

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 1500 KAY LANE TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA PURSUANT TO THE 100% METHOD; TO AUTHORIZE THE LAW DEPARTMENT TO SEEK PRECLEARANCE FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND TO NOTIFY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS OF SUCH ANNEXATION; AND FOR OTHER PURPOSES

WHEREAS, the owner of real property (the “Applicant”) has applied to the City of Atlanta for annexation (“the Application”) of certain property located at 1500 Kay Lane, Atlanta, GA 30306, as more fully described and delineated in Exhibit “A” and attached hereto (the “Property”); and

WHEREAS, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. §36-36-1 *et seq.*; and

WHEREAS, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of DeKalb County, Georgia; and

WHEREAS, the requirements in O.C.G.A. § 36-66-4(d) governing procedures for the zoning of land to be annexed into a municipality have been satisfied; and

WHEREAS, the zoning classification approved by the City of Atlanta for the property which is the subject of the proposed annexation shall become effective on the later date of the date that the zoning is approved by the City of Atlanta or the date that the annexation becomes effective as required by O.C.G.A. §36-36-2; and

WHEREAS, the City of Atlanta has lawfully provided notice to DeKalb County, Georgia of all required information including notice of the City of Atlanta’s receipt of the Application for annexation of the Property; and

WHEREAS, the City of Atlanta has authority pursuant to O.C.G.A. §36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta have determined that the annexation of the Property would be in the best interest of the residents and property owners of the areas to be annexed and of the citizens of the City of Atlanta; and

WHEREAS, the City of Atlanta has determined that the Application meets the requirements of law pursuant to O.C.G.A. §36-36-1 *et seq.*; and

WHEREAS, upon annexation, the City must seek pre-clearance from the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 as well as pursuant to state law, submit a report to the Georgia Department of Community Affairs; and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

Section 1. The Property known as 1500 Kay Lane, Atlanta, Georgia 30306, as more fully described on Exhibit “A” which is incorporated herein by reference, is hereby annexed to the existing corporate limits of the City of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 2. The City of Atlanta Law Department is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department’s review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.

Section 3. The City of Atlanta Law Department is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of Fulton County as required by O.C.G.A. §36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.

Section 4. The Ordinance shall become effective immediately for school enrollment purposes and for all other purposes in accordance with applicable provisions of Georgia law, contingent upon approval of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.

Section 5. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are hereby waived to the extent of the conflict.

EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND AND BEING IN LAND LOTS 56 & 57, 18TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 4, BLOCK B, JOHNSON ESTATES SUBDIVISION, ACCORDING TO PLAT RECORDED AT PLAT BOOK 16, PAGE 8, DEKALB COUNTY RECORDS, WHICH PLAT IS HEREBY REFERRED TO AND MADE A PART OF THIS DESCRIPTION, BEING KNOWN AS 1500 KAY LANE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA

IPS
FC
-X-X-
OTPF
RBF
CLF
BL
R/W
PL

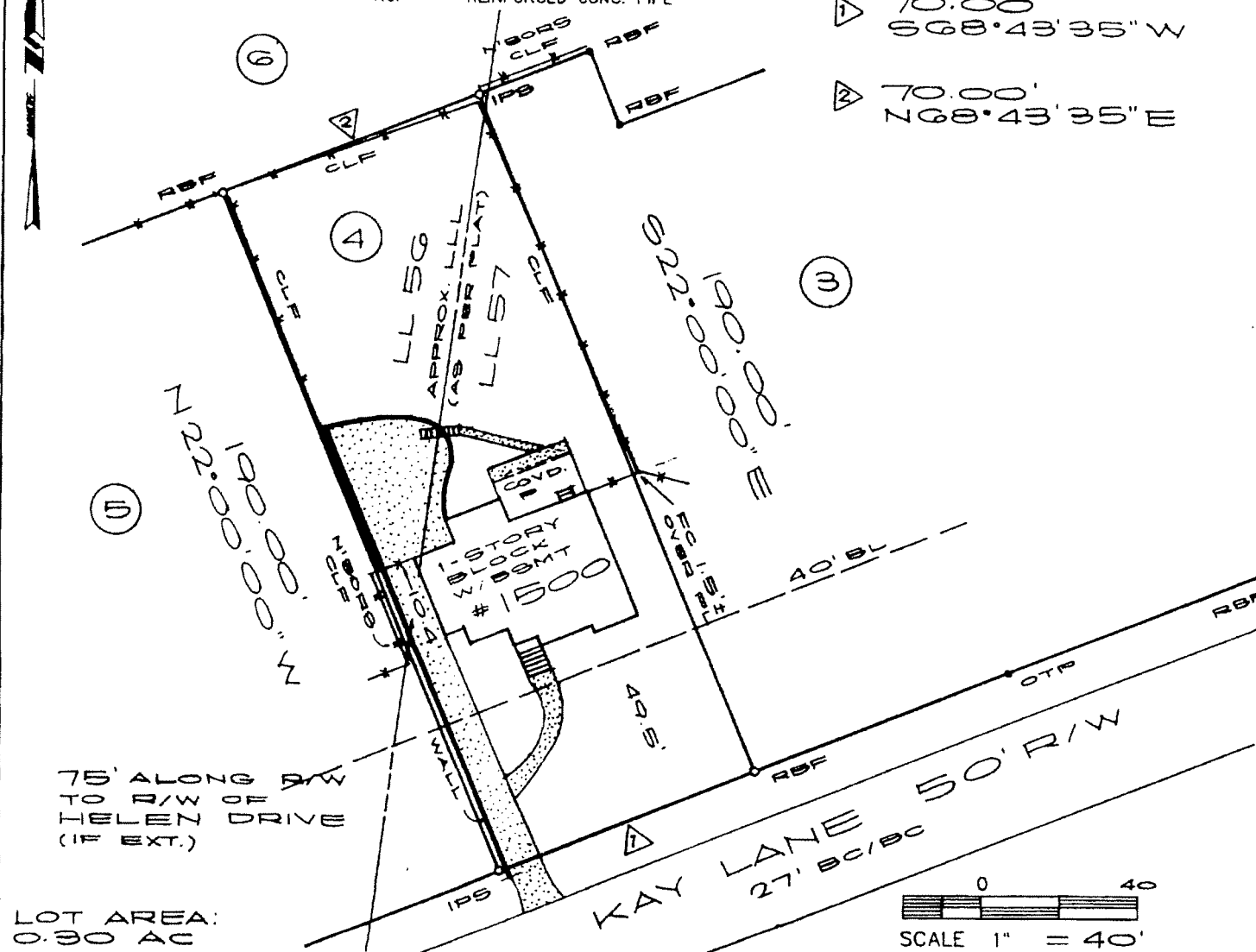
IRON PIN SET
FENCE CORNER
FENCE
OPEN TOP PIPE FOUND
CRIMP TOP PIPE FOUND
REINFORCING BAR
CHAIN LINK FENCE
BUILDING LINE
RIGHT-OF-WAY
PROPERTY LINE

POB
MH
SS
CB
HW
PP
SE
DE
CMP
RCP

POINT OF BEGINNING
MAN HOLE
SANITARY SEWER
CATCH BASIN
HEAD WALL
POWER POLE
SEWER EASEMENT
DRAINAGE EASEMENT
CORRUGATED METAL PIPE
REINFORCED CONC. PIPE

HAVE THIS DATE, EXAMINED THE "FEMA OFFICIAL FLOOD HAZARD MAP" AND FOUR IN MY OPINION REFERENCED PARCEL (IS) [REDACTED] IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO ITS OPINION FOR SAID PARCEL.

MAP ID 13121C02G2E EFFECTIVE DATE: 6-22-98
ZONE: AE & X



PLAT PREPARED FOR:

ANNA K. WILLIAMS

LOT 4 BLOCK B UNIT

SUBDIVISION JOHNSON ESTATES ADDITION

LAND LOT 56 57 18TH DISTRICT SECTION

DEKALB COUNTY, GEORGIA DATE JUL. 21, 1999

PLAT BOOK 16 PAGE 8

DEED BOOK PAGE

ALL MATTERS PERTAINING
TO TITLE ARE EXCEPTED



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

The field data upon which this plat is based has a closure of 1 foot in 100,000+ feet, an angular error of .03 seconds per angle point and was adjusted using the Least Squares Method. This plat has been calculated for closure and found to be accurate to 1 foot in 10,000+ feet. An electronic total station and a 100' chain were used to gather the information used in the preparation of this plat. No State Plane Coordinate Monument found within 500' of this property.

SURVEY SYSTEMS, INC.

280 ELIZABETH STREET SUITE C-104
ATLANTA GA. 30307

FAX (404) 523-6600

PHONE (404) 523-6000

JOB NUMBER 32-22453 SJ

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Garnett Brown

Contact Number: 6724

Originating Department: DPCD

Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: October 13, 2009

Anticipated Committee Meeting Date(s): ^{December 2}
~~October 27-28, 2009~~

Anticipated Full Council Date: ^{December 7}
~~November 2, 2009~~

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 1500 KAY LANE TO THE CORPORATE LIMITS OF THE CITY OF ATLANTA, GEORGIA PURSUANT TO THE 100% METHOD; TO AUTHORIZE THE LAW DEPARTMENT TO SEEK PRECLEARANCE FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND TO NOTIFY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS OF SUCH ANNEXATION ; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 10.13.09
(date)

Reviewed by: _____
(date)

Submitted to Council: _____
(date)